

OFFICIAL - Please Enter
CAL 09-06
3FACSIMILE TRANSMISSION

The information contained in this transmission is privileged and confidential. It is intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

If you have received this communication in error, please notify Gen-Probe immediately by telephone and return the original message to us at the below-indicated address via regular U.S. mail. Thank you.

FROM: Charles B. Cappellari
Gen-Probe Incorporated
10210 Genetic Center Drive
San Diego, California 92121
Phone No. (858) 410-8927
Facsimile No. (858) 410-8928

TO: Examiner: Lacourciere, K.
Group 1635

U.S. Patent & Trademark Office

Facsimile No. (703) 746-5206

Number of pages (including this cover page): 16

In re Patent Application of:	)	Group Art Unit: 1635
)	
BECKER <i>et al.</i>	)	Examiner: Lacourciere, K.
)	
Serial No. 09/808,558	)	Atty. Docket No. GP068-05.CN3
)	
Filed: March 14, 2001	)	Confirmation No. 3920
)	
Title: MODIFIED OLIGONUCLEOTIDES	)	Date: August 26, 2003
AND METHODS FOR)	
DETERMINING THE PRESENCE)	
OF A NUCLEIC ACID ANALYTE)	
IN A SAMPLE)	

Transmitted herewith are the following:

- 1) Response to Notice of Non-Compliant Amendment (2 pgs.); and
- 1) Substitute Reply Under 37 C.F.R. § 1.111 (13 pgs.).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-746-5206 on the date indicated below to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22304-1450.

Date: August 26, 2003

By: 

Charles B. Cappellari, Registration No. 40,937

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	Group Art Unit: 1635
)	
BECKER <i>et al.</i>	)	Examiner: Lacourciere, K.
)	
Serial No. 09/808,558	)	Atty. Docket No. GP068-05.CN3
)	
Filed: March 14, 2001	)	Confirmation No. 3920
)	
For: MODIFIED OLIGONUCLEOTIDES AND	)	VIA FACSIMILE
METHODS FOR DETERMINING THE)	
PRESENCE OF A NUCLEIC ACID)	
ANALYTE IN A SAMPLE)	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed on August 21, 2003 in the above-captioned application, please find attached a Substitute Reply Under 37 C.F.R. § 1.111 to replace the Reply Under 37 C.F.R. § 1.111 filed by Applicants on August 12, 2003. The Substitute Reply is identical to Applicants' original Reply to the Examiner's Office Action mailed on June 2, 2003, except that a complete listing of all claims presented in the subject application is now included. In particular, Applicants' Substitute Reply indicates that originally filed claims 1-421 have been cancelled. To facilitate processing and to avoid confusion, kindly use the Fee Transmittal form submitted with Applicants' August 12th Reply in connection with the attached Substitute Reply.

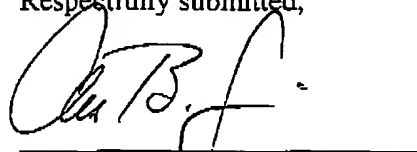
No fees are believed due in connection with this Response. If Applicants are mistaken, please charge any fees due to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

RESPONSE

Serial No. 09/808,558
Atty. Docket No. GP068-05.CN3Certificate of Transmission

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-746-5206 on the date indicated below to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Respectfully submitted,



Date: August 26, 2003

By:

Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
San Diego, California 92121
PH: 858-410-8927
FAX: 858-410-8928

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	Group Art Unit: 1635
)	
BECKER <i>et al.</i>	)	Examiner: Lacourciere, K.
)	
Serial No. 09/808,558	)	Atty. Docket No. GP068-05.CN3
)	
Filed: March 14, 2001	)	Confirmation No. 3920
)	
For: MODIFIED OLIGONUCLEOTIDES AND	)	VIA FACSIMILE
METHODS FOR DETERMINING THE)	
PRESENCE OF A NUCLEIC ACID)	
ANALYTE IN A SAMPLE)	

SUBSTITUTE REPLY UNDER 37 C.F.R. § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Examiner's Office Action mailed on June 2, 2003, kindly enter the following amendments and consider the following remarks in connection with the above-captioned application.